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22763 U.S. PTO

Please type a plus sign (+) inside this box ☐Attorney Docket P5002R1C1  
PATENT

EV 351 928 398 US: Express Mail Number

January 15, 2004: Date of Deposit

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-145022581 U.S. PTO  
10/758377**NON-PROVISIONAL APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)**

Transmitted herewith for filing is a non-provisional patent application:

Inventor(s) (or Application "Identifier"):

**Audrey Goddard  
Paul J. Godowski  
Austin L. Gurney  
Kenneth J. Hillan  
Paul Polakis  
Victoria Smith  
William I. Wood  
Thomas D. Wu  
Zemin Zhang**Title: **Compositions and Methods for the Diagnosis and Treatment of Tumor****1. Type of Application**

- ☐ This application is for an original, non-provisional application.
- ☐ This is a non-provisional application claiming priority to provisional application no. \_\_, filed \_\_, the entire disclosure of which is hereby incorporated by reference.
- ☒ This is a ☐ continuation-in-part ☒ continuation ☐ divisional application claiming priority to application Serial Number 09/888,257, filed June 22, 2001, the entire disclosure of which is hereby incorporated by reference.

**2. Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b)  
(Non-provisional)**

100 pages of specification  
10 pages of claims  
1 page(s) of abstract  
10 sheet(s) of drawings  
☒ formal ☐ informal

**3. Declaration or Oath**

*(for new and CIP applications; also for Cont./Div. where inventor(s) are being added)*  
\_\_\_ An executed declaration of the inventor(s) [] is enclosed [] will follow.

*(for Cont./Div. where inventorship is the same or inventor(s) being deleted)*  
  x   A copy of the executed declaration/oath filed in the prior application is enclosed (37 CFR 1.63(d)).

*(for Cont./Div. where inventor(s) being deleted)*  
\_\_\_ A signed statement is attached deleting inventor(s) named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b)).

**4. Assignment**

*(for new and CIP applications)*  
\_\_\_ An Assignment of the invention to GENENTECH, INC. [] is enclosed with attached Recordation Form Cover Sheet [] will follow.

*(for cont./div.)*  
  x   The prior application is assigned of record to Genentech, Inc.

**5. Amendments (for continuation and divisional applications)**

\_\_\_ Cancel in this application original claims \_\_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

  x   A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

6. **Fee Calculation (37 CFR 1.16)**

The fee has been calculated as follows:

CLAIMS FOR FEE CALCULATION					
Number Filed		Number Extra		Rate	Basic Fee 37 CFR 1.16(a)
					\$770.00
Total Claims	15	- 20 =	0	X \$18.00	\$0.00
Independent Claims	1	- 3 =	0	X \$86.00	\$0.00
Multiple dependent claim(s), if any				+ \$290.00	\$0.00
Filing Fee Calculation					\$770.00

7. **Method of Payment of Fees**

The Commissioner is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$770.00. **A duplicate copy of this transmittal is enclosed.**

8. **Authorization to Charge Additional Fees**

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16 and 1.17, or credit overpayment to Deposit Account No. 07-0630. **A duplicate copy of this transmittal is enclosed.**

9. **Additional Papers Enclosed**

- ☐ Information Disclosure Statement (37 CFR §1.98) w/ PTO-1449 and citations
- ☒ Submission of "Sequence Listing", Letter and Request to Use Computer Readable Sequence Listing, certificate re: sequence listing, and/or amendment pertaining thereto for biological invention containing nucleotide and/or amino acid sequence.
- ☐ A new Power of Attorney or authorization of agent.
- ☐ Other:

10. **Maintenance of Copendency of Prior Application (for continuation and divisional applications)**

*[This item **must** be completed and the necessary papers filed in the prior application if the period set in the prior application has run]*

- \_\_\_\_\_ A petition, fee and/or response has been filed to extend the term in the pending prior application until
- \_\_\_\_\_ A copy of the petition for extension of time in the **prior** application is attached.

**11. Correspondence Address:**

X Address all future communications to:

Attn: Mark T. Kresnak, Ph.D.  
Customer No: 09157

Respectfully submitted,  
GENENTECH, INC.

Date: January 15, 2004

By: 

Mark T. Kresnak, Ph.D.

Reg. No. 42,767

Telephone No. (650) 225-4461

**CUSTOMER NO: 09157**